



## Section B

# RESPONSIBILITY FOR FUNCTIONS – FULL COUNCIL AND ITS COMMITTEES

Section contents:

*(Note: See Section C of Part 3 for the list of Executive functions)*

Paragraph	Body
1	Full Council
2	Scrutiny Committee
3	Audit and Governance Committee and Standards Panel and Constitution Review Working Party.
4	Planning Committee
5	Licensing Committee and Sub-Committees
6	Joint Staff Advisory Committee
7	Design Review Panel
8	Task Groups (Standing):
8.1	Conservation Advisory Group
8.2	Grants Task Group
8.3	Equality Steering Group
9	Task Groups (Ad Hoc)
10	Council Panels (Ad Hoc)
11	Recruitment Panels (Ad Hoc)
12	Independent Remuneration Panel
13	Informal Bodies:
13.1	Downland Forum
14	Project Management Boards
15	Eastbourne Homes
16	Outside and Other Bodies
Appendix 1	Licensing Act 2003 – Scheme of Delegation
Appendix 2	Gambling Act 2005 – Scheme of Delegation

## **1. Full Council**

### **1.1 Composition:**

All 27 elected Members of the Council. Chaired by the Mayor. See Article 5 of the Constitution as to the role and functions of the Mayor in chairing meetings of the Council. In the absence of either the Mayor or the Deputy Mayor, the Council will choose one of its number to chair the meeting.

### **1.2 Terms of Reference:**

- (1) The Functions specified in Article 4 – “Functions of the Full Council”.
- (2) Deal with any other business expressly required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, that is not to be the Function of the Executive and not otherwise delegated to a Committee or Panel of the Council.
- (3) Local Choice Functions, other than those delegated to a Committee or Panel of the Council, as follows:-
  - (i) Appoint representatives to outside bodies.
- (4) Other matters:
  - (i) Establish or dissolve a Council committee or other body of the Council, or alter its membership (including the position of Chairman and Deputy Chairman) at any time unless otherwise required by statute, but shall reconsider the appointment of all committees and other bodies at its annual meeting and it shall not appoint any member of a body to hold office later than the next annual meeting of the Council.
  - (ii) Appoint and dismiss non-executive directors to the boards of companies either wholly owned or partly owned by the Council (the timing and duration of appointments to be subject to the arrangements at (i) above.
  - (iii) Consider and determine all matters referred to it for decision by Council Committees.
  - (iv) Receive and approve as necessary the minutes of the Cabinet and Council Committees.
  - (v) Receive and deal with motions by Councillors in accordance with Rules of Procedure.
  - (vi) Consider and approve the proposals from the Scrutiny Committee for its Annual Work Programme.

- (vii) Within the Council's published petitions scheme consider petitions requiring full Council debate.

## **2. Scrutiny Committee**

### **2.1 Composition:**

7 or 8 Councillors (depending on the requirement to achieve political balance at any given time), who are not Members of Cabinet. Also, not to include the Mayor.

Substitution is allowed in accordance with Rule 4 of the Council Procedure Rules (5 or 6 substitute members may be appointed).

Membership to be balanced to political proportions on the Council.

Chairman to be a member of the largest opposition political group and the Deputy Chairman to be a member of the controlling political group.

### **2.2 Terms of Reference:**

The general role and functions of the Committee are described in Article 6 of the Constitution at paragraphs 6.02 and 6.03. The following terms of reference more specifically detail the functions approved for the scrutiny role in the Borough Council, particularly in relation to matters which are due to be decided upon by the Executive or to be the subject of recommendations from the Executive to the full Council in respect of matters within the budget and policy framework.

These terms of reference should, in particular, be read in conjunction with Articles 4, 6 and 13 (The Council, Overview and Scrutiny of Decisions, and Decision Making), together with the Scrutiny Procedure Rules, the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules.

In particular, the Scrutiny Procedure Rules describe in greater detail how the Committee will conduct its business, and also the arrangements for specific and time limited reviews on particular subjects to be conducted by Task Groups of (normally 2) members appointed by the Committee.

- (1) Prepare for approval by the full Council an annual programme of scrutiny work so as to ensure that the Committee's time is effectively and efficiently utilised.
- (2) To make in-year adjustments and additions to the annual programme in light of changing circumstances, subject to:
  - (i) there being no substantial addition to any resources to be called upon to undertake the programme;

- (ii) the relevant Head of Service agreeing to any additional call upon staffing support; and
- (iii) no additional costs arising which cannot be met from existing budgets unless the Executive approve any necessary virement.

Any change to the programme not within the provisions of (i) to (iii) inclusive above will require the approval of the full Council.

- (3) To be entitled to receive for consideration and comment any proposals for the adoption of any plan, strategy or budget by the Council (as part of the Budget and Policy Framework) prior to consideration by the Executive in accordance with the Budget and Policy Framework Procedure Rules.
- (4) Where the Executive approves a proposed matter of new policy (whether part of the Policy Framework or an operational policy matter) for the purpose of public consultation and subsequent report back, part of such consultation shall include an opportunity for consideration by the Scrutiny Committee prior to its report back to the Executive if the Scrutiny Committee so choose.
- (5) In the case of decisions made by the Executive (or a key decision made by an Officer under delegated powers) in respect of new operational policies or strategic initiatives, unbudgeted expenditure or reductions in service, the Scrutiny Committee may exercise discretionary call-in powers in accordance with the Scrutiny Procedure Rules set out in Part 4.
- (6) Be entitled to receive for comment all departmental service plans.
- (7) Be entitled to receive regular performance indicator information and monitor all aspects of performance management activities and make recommendations to the Executive as necessary.
- (8) Act as the Council's Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and as such have power to review or scrutinise decisions and action taken by responsible authorities and co-operating bodies or persons in the discharge of their crime and disorder functions.
- (9) Receive requests from Ward Councillors under the "Councillor Call for Action" procedures and consider and make reports and recommendations upon such requests as appropriate.
- (10) Within the Council's published Petitions Scheme consider petitions which call for a senior officer of the Council to attend the committee to answer questions on how a particular service is being delivered; also to review the Council's response to petitions in cases where a petition organiser feels this is inadequate.

### **3. Audit and Governance Committee and Standards Panel**

#### **3.1 Composition:**

8 councillors, membership to be balanced to the political proportions on the council (unless the Council agrees to other composition arrangements which shall be subject to a vote at the annual meeting of the Council each year with no votes being cast against the proposition).

The Council's "independent person(s)" (appointed by the Council under Chapter 7 of the Localism Act 2011) shall have the right to attend meetings of the committee and of any sub-committee established for the purposes of dealing with a matter relating to any allegation against a member or co-opted member of the authority. Such attendance shall be in a non-voting capacity.

The Committee may co-opt one person in a non-voting capacity to provide independent advice, primarily, but not exclusively, in relation to its audit functions.

Substitution of Councillor members is allowed in accordance with Rule 4 of the Council's Procedure Rules (up to 4 named substitute members may be appointed).

All members (including substitute members) are expected to attend training and briefings events and otherwise undertake appropriate training in order that they can effectively carry out their role as Audit and Governance Committee members.

#### **3.2 Terms of Reference of the Committee:**

##### General:

- (1) To monitor the operation of the Council's constitution, and to consider any recommendations for amendments to the constitution from the Constitution Review Working Party and make recommendations for their adoption where applicable to Full Council.
- (2) Via the procedure set out in sub-paragraph (6), to recommend to Council the appointment of one or more independent persons:
  - (i) to give general assistance to the committee in the exercise of its functions; and
  - (ii) to give views on allegations of failure to comply with a code of conduct as required by Chapter 7 of the Localism Act.
- (3) To have an overview of the Council's whistleblowing policy.
- (4) To have an overview of complaints handling and Local Government Ombudsman investigations.

- (5) To deal with any audit or ethical standards issues which may arise in relation to partnership working, joint committees and other local authorities or bodies.
- (6) The procedure for the appointment of Independent Persons is as follows:
  - a) The Chair of the Committee shall be a member of the Council's Independent Person Selection Panel whose role is to recommend to Council the appointment of one or more Independent Persons pursuant to section 28(7) of the Localism Act 2011.
  - b) The Independent Person Selection Panel shall also comprise the Council's Monitoring Officer.
  - c) Where it is intended that one or more Independent Persons be appointed to advise both Eastbourne Borough Council and Lewes District Council (LDC), the Selection Panel shall operate as a joint panel for both councils and shall comprise, in addition to those mentioned in (a) and (b) above, the Chair of LDC's Audit and Standards Committee.
  - d) Where the Selection Panel operates as a joint panel, its recommendations as to the appointment of one or more Independent Persons shall be made to a full Council meeting of EBC and, separately, of LDC.

Audit:

- (1) To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's control environment and exposure to risk, with a view to providing assurance on the adequacy and effectiveness of:
  - (i) The work of internal and external audit.
  - (ii) The governance arrangements of the council and its services.
  - (iii) The risk management and performance management frameworks and the associated control environment.
  - (iv) The financial management process.
  - (v) Arrangements for the prevention and detection of fraud and corruption.

- (2) To meet the requirements of the Accounts and Audit Regulations Act 2011 in respect of:
  - (i) Conducting an annual review of the effectiveness of the system of internal control.
  - (ii) Conducting an annual review of the effectiveness of internal audit.
  - (iii) Reviewing the outcome of annual review of governance arrangements and approving the annual governance statement, ensuring it contains any actions for improvement.
  - (iv) Considering and approving the Council's annual statement of accounts.
- (3) To consider the External Auditor's annual audit and inspection plan, annual governance report, annual audit letter and other relevant reports.
- (4) Consider and agree the internal strategy and annual audit plan, receive the Audit Manager's annual report, periodic progress reports and other relevant internal audit reports. The Audit Manager to have delegated authority to make in-year changes to the annual plan in liaison with the Chairman of the Committee.
- (5) Review effectiveness of management arrangements to ensure probity and legal and regulatory compliance, including, but not limited to contract and financial procedure rules and related protocols relating to the management, acquisition and disposal of assets including land and property; codes of conduct; anti-fraud and corruption arrangements; policies on raising concerns at work and the Council's complaints process and implement or make recommendations for change as appropriate.

### Governance

- (1) To make recommendations to Council, the Cabinet or Scrutiny as appropriate with a view to improving the effectiveness, accountability and transparency of the decision-making process and in relation to the Council's governance arrangements.
- (2) Other than when made at the annual meeting of the Council, to make appointments to outside bodies where such appointments relate to non-executive functions.
- (3) To consider the recommendations of the Council's Independent Remuneration Panel and advise the Council as appropriate and the arrangements for the appointment of members to and the operation of the Independent Remuneration Panel.

- (4) To approve the annual member development plan, in-year adjustments to the plan to reflect changing circumstances and needs, review past activity in including receiving regular monitoring reports on learning and development activities undertaken.
- (5) To consider any other matter relating to the role of and support for members and make recommendations to Council or the Cabinet.
- (6) To consider any other matter relating to the role of and support for members and make recommendations to Council or the Cabinet.
- (7) Receive reports from the Monitoring Officer on any instance of a member or co-opted member persistently failing to undertake or attend learning or development activity that the Council or a committee of the Council has directed should be undertaken as a requirement for their participation in particular activities and decision making with a view to making a recommendation to Full Council that the member's appointment should be revoked (or in the case of a Cabinet appointment, to the Leader of the Council).
- (8) To make recommendations to Council in relation to community governance reviews.
- (9) To make recommendations to the Council in relation to electoral matters, including the statutory 4-yearly review of polling districts, polling places and polling stations and make recommendations in respect of the Council's scheme of elections and changes of name of electoral areas.
- (10) To approve polling district, polling place and polling station arrangements where reviews are undertaken on an ad hoc basis outside the 4-yearly review.
- (11) To make recommendations to the Council in relation to civic matters, including recommendations and protocols in respect of honorary titles, visits of dignitaries, public celebrations and nominations for honours.

### Standards

- (1) To advise the Council on the adoption, revision or replacement of codes of conduct for (a) members and co-opted members and (b) officers.
- (2) To exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act, including the following:
  - (i) Promoting and maintaining high standards of conduct within the Council and monitoring the operations of the Council's codes of conduct and registers of interests.



- (ii) In relation to allegations that a member or co-opted member has failed to comply with the code of conduct, putting in place arrangements to investigate and make decisions.
- (iii) Supporting the Monitoring Officer in the exercise of that officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council.
- (iv) In relation to members or co-opted members with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

### **3.3 Standards Panel**

#### **3.3.1 Composition:**

At least 3 members chosen from the membership of the Audit and Governance Committee and to be politically balanced (unless the Council agrees to other composition arrangements which shall be subject to a vote at the annual meeting of the Council each year with no votes being cast against the proposition).

#### **3.3.2 Terms of Reference:**

- (i) To carry out any arrangements delegated to the Panel by the Audit and Governance Committee in connection with investigating and making decisions on allegations that a member or co-opted member has failed to comply with the code of conduct.
- (ii) In respect of applications in relation to the grant of dispensations from members or co-opted members with pecuniary interests, which have been referred to the Panel by the Monitoring Officer where the Monitoring Officer has chosen not to exercise his/her delegated powers, to hear and determine such applications and in appropriate cases to grant dispensations from the restrictions on speaking and/or voting at meetings of the Council, its committees, sub-committees, joint committees or joint sub-committees.
- (iii) To discharge any other functions of the Audit and Governance Committee which the Committee delegates to the Panel.
- (iv) Any other matter not reserved to the Council or delegated to another committee or sub-committee and related to a non-executive function.

### **3.3.3 Investigations and Hearings Procedure**

Investigations into complaints and hearings at which complaints are determined shall be conducted in accordance with approved procedures.

## **3.4 Constitution Review Working Party**

### **3.4.1 Status**

- (i) The Constitution Working Group is a non-executive working group that sits under the Audit and Governance Committee.
- (ii) Depending upon the subject matter, the Group will report for consideration to Audit and Governance Committee, another Committee of the Council (where appropriate) or Cabinet (in relation to executive matters).
- (iii) Where there is no scheduled meeting of the relevant body by the required timetable, either a special meeting will be convened, or recommendations will be directly reported to Full Council.

### **3.4.2 Membership**

- (i) The Constitution Working Group shall seek 2 representatives from each party.
- (ii) There is no requirement for political balance.
- (iii) A group's representative can be substituted at any point.
- (iv) Chair of the Group will be voted on at the first meeting of the Group (and would typically be a representative from the controlling administration)
- (v) To advise on matters of law and local authority governance, up to two officers from Democratic Services and Legal Services, including either the Monitoring Officer or Deputy Monitoring Officer (with non-voting capacity), will attend each meeting.
- (vi) Officers from specific service areas (internal and external) may be invited to attend a meeting on a case-by-case basis.

### **3.4.3 Quorum**

- (i) The quorum of a meeting of the Constitution Working Group will be 3 elected members and 2 officer representatives (from Legal and Democratic Services/Monitoring Officer/Deputy Monitoring Officer).

### **3.4.4 Functions**

The functions of the Constitution Working Group are–

- (i) To review sections of the constitution to ensure that they are complete, accurate, up to date, clear, lawful and fit for purpose.

- (ii) To receive and consider requests from the Monitoring Officer, Members, the Council or Committees, Directors or Heads of Service to review specific parts of the constitution.
- (iii) To consider recommendations on proposed amendments to sections from the constitution from the Monitoring Officer, Members, the Council, Committees Directors or Heads of Service.
- (iv) To make recommendations on proposed amendments to the constitution to the Audit and Governance Committee, another Committee of the Council (where appropriate) or to Cabinet (in relation to executive matters) as appropriate depending upon the subject matter, and for final recommendations to Full Council. The Monitoring Officer will produce a report presenting any recommendations.

#### **3.4.5 Frequency**

- (i) The Constitution Working Group will meet as and when required (as determined by the Monitoring Officer). All meetings will be held in private and take place typically via Microsoft Teams. If required, consideration will be given to hold a physical meeting in a booked meeting room.

## **4. Planning Committee**

### **4.1 Composition:**

12 Councillors shall be appointed to form a pool of Councillors from which 8 shall be appointed as members of the Committee and the remaining 4 shall be the substitute members. None may be Cabinet Members (as a matter of local discretion). All pool Members must undertake relevant training in planning matters.

Substitution is allowed in accordance with Rule 4 of the Council Procedure Rules.

Membership to be balanced to political proportions on the Council.

### **4.2 Terms of Reference:**

- (1) Exercise all the powers and duties of (i) the Council and (ii) the South Downs National Park Authority (under the terms of delegated arrangements) in respect of the control and authorisation of development subject to the requirements of (2) below, including (but not limited to) enforcement of planning controls, Conservation Areas and Listed Buildings, the making and regulation of Tree Preservation Orders, and the making of Article 4 Directions insofar as such powers and duties fall outside the delegated authority of the Planning Manager.
- (2) In exercising the Council's powers and duties under (1) above, the Committee is expected to give the approved Development (Borough) Plan prime consideration, however the Committee should also have regard to other material considerations including any emerging planning policies from the South Downs National Park Authority and to Government advice which may suggest acting otherwise.
- (3) Respond to consultation by the Cabinet on the formulation of the Development (Borough) Plan and other planning policies.

## **5. Licensing Committee and Sub-Committees**

### **5.1 Composition:**

Between 10 and 15 members who undertake relevant training in regulatory matters.

Membership to be balanced to political proportions on the Council

The quorum for the Committee shall be in accordance with Council Procedure Rule 8 (i.e. one-quarter of the membership or 2 members whichever is the greater).

Substitutes will not be allowed.

Note: In relation to the matters concerning the Licensing Act 2003 if not quorate, the Committee is required, by virtue of Section 7(9) of the Licensing Act 2003, to refer any matters which it is unable to deal with to the full Council for determination.

**5.2 Licensing Act 2003:**

The Committee's proceedings (and that of its sub-committees) shall be in accordance with Regulations made under the Licensing Act 2003.

**5.3 Gambling Act 2005:**

The Committee's proceedings (and that of its sub-committees) shall be in accordance with Regulations made under the Gambling Act 2005.

#### **5.4 Other Licensing Matters**

For all other licensing matters the Committee's proceedings (and that of its sub-committees) shall be in accordance with the Council's approved constitutional procedures.

#### **5.5. Terms of Reference:**

- (1) To undertake all the Council's functions as Licensing Authority under the Licensing Act 2003 to do so with a view to promoting the Act's licensing objectives (the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm) and with regard to the Council's Statement of Licensing Policy and any guidance issued by the Secretary of State under S.182 of the Act.
- (2) To undertake all the Council's functions as Licensing Authority under the Gambling Act 2005 and to do so with a view to promoting the Act's licensing objectives (prevention from being a source or used to support or being associated with crime and disorder; fair and open conduct of gambling and the protection of children and other vulnerable people from being harmed or exploited) and with regard to the Council's Statement of Gambling Policy and any guidance issued by the Gambling Commission. The Committee's schemes of delegation under the Licensing Act 2003 and the Gambling Act 2005 are appended at pages B20-B22.
- (3) To undertake all the Council's functions as Licensing Authority in relation to taxi and private hire licences under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- (4) To undertake all the Council's functions with respect to licensing and enforcement (other than the licensing functions as outlined in paragraphs 5.5 (1), (2), and (3) above. In addition, for clarification, the Committee and its sub-committees are not responsible for development control enforcement arising out the Town and Country Planning legislation.
- (5) To delegate its functions to sub-committees or officers subject to the restrictions imposed under the relevant Acts and the Guidance and Regulations made thereunder.
- (6) To appoint sub-committees of 3 members chosen from the membership of the Committee to carry out those functions. Sub-committees need not be politically balanced. The quorum of each sub-committee shall be 3. The sub-committees to act within policy guidelines approved by the Committee and in accordance with Council policies.

- (7) To appoint up to 5 of its membership to act as standing chairmen who will be entitled to chair meetings of the licensing sub-committees.
- (8) To keep the Council's Statements of Licensing Policy and Gambling Policy under review and to make recommendations to the Council in relation to the revision of the Policies.
- (9) To deal with appeals relating to any of the above other than where a separate right of appeal exists to another non-Council body.
- (10) To receive summary reports on determinations made by the licensing sub-committees and decisions made by officers and generally monitor workloads and performance.
- (11) To encourage partnership working between the Council and all other relevant agencies and interests, including local people and business with a view to promoting the licensing objectives of any relevant Acts.
- (12) To give advice and make recommendations to Cabinet in respect of licensing matters where an executive decision is required.

## **6. Joint Staff Advisory Committee**

### **6.1 Composition:**

The Joint Staff Advisory Committee shall comprise:

- 3 Members from Lewes District Council – including at least 1 Cabinet Member and 1 opposition member.
- 3 Members from Eastbourne Borough Council – including at least 1 Cabinet Member and 1 opposition member.
- 2 union representatives
- 2 staff representatives

Named substitutes can be appointed for Councillors and for staff representatives.

### **6.2 Quorum**

Quorum for the Committee shall be at least 3 members of the Committee including 1 Councillor from each authority and 1 staff representative.

### **6.3 Chairing**

The Chair will be appointed at the first meeting of each municipal year.

It will be normal practice for the chairmanship of the Committee to rotate between authorities and a staff representative (e.g. year 1 - Eastbourne Councillor, year 2 - Lewes Councillor, year 3 - staff representative).

A deputy chair will be appointed at the first meeting of each municipal year from any constituent group.

#### **6.4 Frequency**

The Committee will normally meet 4 times a year and will usually alternate locations between Eastbourne and Lewes.

Additional meetings can be called if required for any matter that needs to be considered urgently.

#### **6.5 Status**

The Committee will meet in public and will be an advisory committee (non-statutory).

It will make recommendations to each Full Council, Cabinet and Chief Officers as appropriate in relation to the matters set out in section 6 below.

#### **6.6 Purpose of Committee**

- 6.6.1 To act as an internal advisory committee which serves as a conduit between members and staff on employment related matters, and to make recommendations on such matters.
- 6.6.2 To consider and comment upon any policies relating to the application of new relevant legislation and equality issues.
- 6.6.3 To consider matters of health, safety and welfare of employees which are referred to the Committee for comment (which are not included in the terms of reference of the Joint Safety Committee).
- 6.6.4 Discussion of matters relating to individuals shall not be within the Committee's jurisdiction except as set out in paragraph 6.5 below.
- 6.6.5 For all appeals against staff dismissal and grievance, the Assistant Director – HR and Transformation shall invite 2 Councillor Members of this Committee to be a part of the relevant appeals panel.

### **7. Design Review Panel**

#### **7.1 Composition:**

No elected Members. Planning Manager and between 6 and 8 external members representing chartered architects and/or related professional



disciplines to be appointed by the Council in consultation with the Royal Institute of British Architects.

The quorum of each Panel shall be 3.

## **7.2 Terms of Reference:**

To advise the Council and the South Downs National Park Authority on the quality of design in respect of applications which fall within the major category of development and have a significant visual impact.

## **8. Tasks Groups – Standing**

### **8.1 Conservation Advisory Group**

#### **8.1.1 Composition:**

Up to 5 Councillors who are not members of the Planning Committee or approved substitutes, plus co-opted advisors.

Co-opted advisors to include the Council's Heritage Champion (or nominee if Heritage Champion is appointed to Planning Committee or otherwise unable to act in this capacity) and up to 3 others of which at least two must be external; this to be determined by the Head of Planning in liaison with the Chair of the Conservation Advisory Group on an annual basis, usually at the start of each municipal year.

Quorum to be 3 Councillors and 1 co-opted advisor.

Voting rights remain with the elected members only and the Chair and Vice Chair continues to be appointed by Full Council.

#### **8.1.2 Terms of Reference:**

To meet as an informal advisory body.

To advise the Planning Committee and the South Downs National Park Authority with regards to planning applications in Conservation Areas where there is a material effect on the Conservation Area and applications affecting Listed Buildings.

To comment and advise, with regards to planning applications and scheduled works, affecting heritage assets.

To comment and advise on any matter under consideration by Cabinet or the Planning Committee that has a significant material effect (as deemed by Cabinet or Planning Committee) on the Conservation Area and/or listed buildings and/or heritage assets.

## **8.2 Grants Task Group**

### **8.2.1 Composition:**

3 Councillors including the relevant Cabinet member. Membership to be balanced to political proportions on the Council. Chairman to be the Cabinet member.

### **8.2.2 Terms of Reference:**

- To receive details of applications for grant assistance from charitable, social, cultural, educational and sporting groups active within the Borough prior to consideration by the Cabinet and comment thereon having regard to the approved criteria and budget limits.
- To undertake the functions of a Council Panel (paragraph 12.2(1)(b) refers) to consider any appeals lodged in respect of applications for the grant/renewal of discretionary and hardship rate relief and make recommendations to the Director of Service Delivery.
- To foster close liaison with other grant providing agencies (e.g. lottery funding, County Council, Health Authority etc. in order to maximise the benefit of the Council's grant aiding capability and propose joint working and/or contractual arrangements with such bodies where appropriate.
- To review the effectiveness of the Council's grant aiding activities having regard to the Council's corporate aims and objectives.
- To review the criteria and budgets for the allocation of grants generally and advise the Cabinet of its findings.

## **8.3 Equality Steering Group**

### **8.3.1 Composition:**

The lead Cabinet member, Corporate Management Team Director and the lead officer for equalities together with two external members representing disabled people and the black, minority and ethnic community.

### **8.3.2 Terms of Reference:**

To ensure that Eastbourne Borough Council fulfils its statutory duties and its corporate aims in respect of all aspects of equality, by means

of direct action or recommendation to Cabinet as appropriate, and via the production of an Annual Corporate Equality Report.

## **9. Tasks Groups – Ad Hoc**

### **9.1 Composition:**

Normally between 2 and 4 Councillors that may (with the exception of Scrutiny Committee appointed Task Groups) include a Cabinet Member.

Membership to be balanced to political proportions on the Council.

Representation from outside organisations to be invited as appropriate. Council Officers appropriate to the subject matters.

### **9.2 Recommended Procedure:**

- (1) Council, the Executive or Scrutiny Committee can, wherever thought appropriate:
  - (a) Create a Task Group to work on a specific matter.
  - (b) Specify its terms of reference and life-span.
  - (c) Specify its membership.
- (2) All Task Groups to function informally on specific matters as designated by the creating body and submit findings and recommendations to that creating body, through designated accountable Officers.

## **10. Council Panels (Ad Hoc)**

### **10.1 Composition:**

3 or 4 Councillors to be nominated by Group Leaders as appropriate and appointed on behalf of the Council by the Chief Executive. Membership to be balanced to the political proportions on the Council.

All panels to be supported and advised by the relevant accountable Officer. Members of the Panel will normally be drawn from the regulatory pool of Councillors or otherwise provided with training relevant to the consideration of staffing and appeal matters. Where a Panel is dealing with staffing matters consideration should be given to appointing Councillors who are also members of the Joint Staff Committee.

Councillors considering appeals in relation to the allocation of accommodation must not be the local ward Councillor.

## 10.2 Procedure:

- (1) Panels may be set up on an ad hoc basis to deal with the following matters:
  - (a) Staffing matters (other than recruitment), for example, appeals against dismissals or disciplinary action, salary gradings, grievances, health and safety at work and the exercise of discretion in respect of the local government pension scheme.
  - (b) Determination of an appeal against any decision made by or on behalf of the Council (a Local Choice Function).

**NOTE:** The Grants Task Group will undertake the functions of a Council Panel in relation to any appeals lodged in respect of applications for the grant/renewal of discretionary and hardship rate relief.

- (2) Panels will have delegated authority to consider and determine all the above matters on behalf of the Council. In respect of disciplinary action against the officers specified in paragraphs 7.1 and 8.1 of the Officer Employment Procedure Rules (Part 4), Panels shall act in accordance with the procedures set out in paragraphs 7.5 and 8.1 of the said Officer Employment Procedure Rules.
- (3) Panels will be convened by the Chief Executive or Assistant Director of Human Resources and Organisational Development after consultation with the relevant Director, Assistant Director as appropriate, the Mayor and Group Leaders.

## 11. Recruitment Panels (Ad Hoc)

(For positions of Head of Paid Service, Statutory and Non-Statutory Chief Officers and Deputy Chief Officers)

### 11.1 Composition:

At least 6 Councillors to be nominated by Group Leaders as appropriate and appointed on behalf of the Council by the Chief Executive (or Director acting in the absence of the Chief Executive). Membership must include at least one member of the Cabinet (as specified in paragraph 7.2 of Officer Employment Procedure Rules (Part 4)) and normally include the portfolio holding Cabinet member and Shadow Cabinet member relevant to the position the subject of recruitment.

Membership to be balanced to the political proportions on the Council.

All recruitment panels to be supported and advised by the relevant accountable officer, together with such external consultancy support as may be deemed necessary.

The accountable officer shall take steps to provide members of a Recruitment Panel with appropriate training in the recruitment and selection process.

#### **11.2 Procedure:**

Panels may be set up on an ad hoc basis to deal with the recruitment, selection and appointment of the positions covered by paragraph 7 of the Officer Employment Procedure Rules (see Part 4 of this Constitution). (Note: All other appointments are the responsibility of the Chief Executive (as Head of Paid Service), or an officer nominated by the Chief Executive.

A sub-panel of at least 3 members may be appointed to carry out the shortlisting and interview stages of the process.

The Panel will exercise the full powers of the Council to make such appointments subject to and in accordance with the procedures set out in paragraphs 7.2 and 7.4 of the Officer Employment Procedure Rules and to the requirement under Rule 7.2 to obtain the approval of the full Council before an offer of appointment is made in the case of a Head of Paid Service.

## **12. Independent Remuneration Panel**

#### **12.1 Composition:**

3 or 4 persons, independent of the Council, appointed by the Head of Democratic Services following the agreed selection process.

The panel would be quorate with 3 members.

Members to be re-appointed each year at the annual council meeting and the maximum number of years that can be served shall be set be 4 years in line with Government guidance.

The selection panel to comprise 3 councillors (nominated by Group Leaders) and the Head of Democratic Services. The panel to have delegated authority to draw up a shortlist of applicants, interview and recommend appointments. The Head of Democratic Services has authority to terminate the appointment of any panel member but only after consultation with Group Leaders.

#### **12.2 Purpose:**

To advise and make recommendations to the Council in respect of the Members' Allowances Scheme.

## **13. Informal Bodies**

### **13.1 Downland Forum**

#### **13.1.1 Composition:**

3 or 4 Councillors with membership balanced to political proportions on the Council.

#### **13.1.2 Terms of Reference:**

To act as a forum:-

- (1) Focusing on the need to protect the Downland for the people of Eastbourne.
- (2) Acknowledge the Council's function as having temporary stewardship of the Downland.
- (3) Maintain, preserve and enhance the Downland, its character, flora and fauna, within available resources.
- (4) Have regard to and interact with tenant farmers and recreational users of the Downland wherever necessary.

## **14. Project Management Boards**

Such boards may be constituted at any time by the Cabinet and/or the Corporate Management Team to assist in the management and delivery of particular projects or schemes. They should be time limited with specific terms of reference. Composition will normally include 2 Councillors (one from each of the two 2 main political groups) together with relevant officers and external participants and experts where appropriate.

A key feature of the operation of such boards will be the use of PRINCE 2\* methodology (\*Projects IN Controlled Environments).

## **15. Eastbourne Homes**

The Council has delegated many of its housing management service functions to Eastbourne Homes, an arms-length management organisation, established as a private limited company.

The key objects for the company include:

- manage, maintain and improve the housing stock;
- provide amenities and services to the residents in the areas where the stock is located;

- contribute to the regeneration and development of those areas; including economic development and social inclusion activity; and
- promote tenant and leaseholder involvement and community empowerment.

5 Councillors (or exceptionally, others with relevant experience) are appointed as non-executive directors of the company.

## **16. Outside and Other Bodies**

For a list of the outside and other bodies on which the Council has representation please see Part 7 of the Constitution.

**APPENDIX 1**

**LICENSING ACT 2003 – SCHEME OF DELEGATION**

The following scheme was approved by the Licensing Act Committee on 26 January 2005.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers*</b>
Application for personal licence		If a police objection	If no police objection
Application for personal licence with unspent convictions.		All cases	
Application for premises licence/club premises certificate.		If a relevant representation made	If no relevant representation made
Application for provisional statement.		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate.		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor.		If a police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Application for transfer of premises licence.		If a police objection	All other cases
Applications for interim authorities.		If a police objection	All other cases
Application to review premises licence/club premises certificate.		All cases where relevant representation made	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases in consultation with a sub-committee chairman as appropriate.



Eastbourne Borough Council Constitution  
Part 3 – Responsibility for Functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers*</b>
Decision to object when local authority is a consultee and not the relevant authority considering the application.		All cases	
Determination of an objection to a temporary event notice.		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application.			All cases
Determination of minor variation application.			All cases

Other delegations:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Extension of time limits under the Hearings Regulations (Reg. 11).		In cases where the sub-committee is conducting a hearing	All other cases
Appointment of “standing” chairmen of sub-committees.	All appointments		
Appointment of members to serve on a licensing sub-committee.			All appointments (Head of Democratic Services)

\*Officers. Delegation is to the Senior Specialist Advisors and Specialist Advisors unless another officer is specified).

**APPENDIX 2**

**GAMBLING ACT 2005 – SCHEME OF DELEGATION**

The following scheme was approved by the Council on 18 April 2007

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Three-year licensing policy.	X		
Policy not to permit casinos.	X		
Fee setting (when appropriate).			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	